

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MICHAEL D. ROSE et al.,

Plaintiffs,

v.

**Civil Action No. 5:22-cv-00405
Honorable Frank W. Volk**

JEFF SANDY, et al.,

Defendants.

**DEFENDANT WEXFORD HEALTH SOURCES, INC.’S MOTION FOR SUMMARY
JUDGMENT**

NOW COMES the Defendant, Wexford Health Sources, Inc., by counsel, Jordan K. Herrick, David E. Schumacher and the law firm of Bailey & Wyant, PLLC, pursuant to Rule 56(c) of the *Federal Rules of Civil Procedure* and hereby moves this Court for an Order of Summary Judgment in regard to all claims asserted by Plaintiffs against this Defendant because there is no genuine issues of material fact as to Plaintiffs’ claims against this Defendant and this Defendant is entitled to judgment as a matter of law.

In support of its Motion for Summary Judgment, this Defendant files a Memorandum of Law in Support of its Motion for Summary Judgment, as well as the following exhibits:

1. Exhibit 1, *Rose Housing Assignment*
2. Exhibit 2, *Church Housing Assignments*
3. Exhibit 3, *Henry Housing Assignment*
4. Exhibit 4, *Harmon Housing Assignment*
5. Exhibit 5, *Bohn Housing Assignments*
6. Exhibit 6, *Persinger Housing Assignments*

7. Exhibit 7, *Fleenor Housing Assignments*
8. Exhibit 8, *Affidavit of Joe Ebbitt*
9. Exhibit 9, *Depo. Tr. of William Bohn*
10. Exhibit 10, *Depo. Tr. of David Mathis, M.D.*
11. Exhibit 11, *William Bohn Medication Administration Records*
12. Exhibit 12, *William Bohn Medical Records*

WHEREFORE, in light of the foregoing as well as the contemporaneously filed Memorandum of Law, Defendant Wexford Health Sources, Inc. prays that this Honorable Court **GRANT** this Motion for Summary Judgment, as there is no genuine issue of material fact that Plaintiffs cannot maintain their claims asserted against this Defendant and as a matter of law this Defendant is entitled to Summary Judgment in its favor, and further **GRANT** this Defendant any and all other relief this Honorable Court deems just and proper.

WEXFORD HEALTH SOURCES, INC.,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing **DEFENDANT WEXFORD HEALTH SOURCES, INC.’S MOTION FOR SUMMARY JUDGMENT** was served upon the following parties through the Court’s Electronic Case Filing (ECF) system on this day, March 7, 2024:

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